

REMARKS

The Applicant respectfully requests reconsideration and allowance of claims 26-28 in view of the arguments set forth below.

The Applicant appreciates the indication in the Final Office Action that claims 1-8 and 17-25 stand allowed, and that claims 27 and 28 are directed to allowable subject matter. The only claim in the case that currently stands rejected in view of the prior art is claim 26. The Applicant believes that claim 26 is also in condition for allowance together with its dependent claims, claims 27 and 28.

I. THE TELEPHONE INTERVIEW

The Applicant appreciates the telephone interview conducted between Examiners Huy-Tram Nguyen and Walter Griffin and the undersigned attorney, Russ Culbertson, on May 20, 2008. In the telephone interview the participants discussed the Final Office Action application of U.S. Patent No. 5,640,702 to the elements set out in claim 26, and the definitions applied in the Final Office Action. The undersigned attorney noted that given the definitions of elements from the prior art applied in the Final Office Action, the cited prior art does not include element (e) of claim 26, and thus claim 26 should be in condition for allowance. No agreement was reached as to the allowability of claim 26.

II. CLAIM 26 IS NOT ANTICIPATED BY SHULTZ

The Final Office Action rejected claim 26 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,640,702 to Shultz (the “Shultz patent” or “Shultz”). The Applicant respectfully submits that claim 26 is not anticipated by Shultz.

The Final Office Action rejection of claim 26 relies on defining “Figure 1, Letter A and arrows” of the Shultz patent as the feed chamber required at element (b) of claim 26 (Final Office Action at p. 2). In the telephone interview Examiner Nguyen clarified that this reference to “Letter A and arrows” in the Final Office Action was a reference to the occurrence of letter A appearing at the top central portion of the side view in the Shultz patent. In view of this clarification from the telephone interview, the Applicant now understands that the rejection is based on defining chamber 38 in the Shultz patent drawings as a “feed chamber” as required at element (b) of claim 26. The feed chamber outlet would then be the outlet from chamber 38 in Shultz to return channel 54, which the Final Office Action defines as a treatment chamber as required at element (a) of claim 26.

The Final Office Action of claim 26 further relies on defining “Figure 1, numerals 26, 28, 32 and 32a [sic]” of the Shultz patent as a feed arrangement as required at element (e) of claim 26 (Final Office Action at p. 3).

However the elements of the Shultz patent shown at 26, 28, 32, and 33a do not meet the limitation required at element (e) of claim 26 given the earlier definition of the feed chamber. That is, the feed arrangement shown at 26, 28, 32, and 33a of the Shultz patent does not release

1 feed material into the “feed chamber” 38 shown in the Shultz patent at a point that is (1) spaced  
2 apart from a lateral wall of chamber 38 and (2) adjacent to the outlet from chamber 38 to return  
3 channel 54 in the Shultz patent. The figure in the Shultz patent clearly shows the feed material  
4 points 33a and 23a as being at a lateral wall of the chamber 38. The system shown in the Shultz  
5 patent is not concerned about releasing feed material through a feed arrangement as required at  
6 element (e) of claim 26 because the system shown in the Shultz patent relies on contact between  
7 the feed material and the shower of molten metal in the chamber 38 (Shultz at col. 6, ln. 61 to  
8 col. 7, ln. 17). In contrast, the presently claimed molten metal reactor relies upon releasing feed  
9 material into a feed chamber so that the feed material is quickly carried into the treatment  
10 chamber where the bulk of the feed material/molten metal reactions occur.

11 Because the Shultz patent does not disclose each element required in Applicant’s claim  
12 26, the Applicant respectfully submits that claim 26 is not anticipated by the Shultz patent and is  
13 entitled to allowance together with its dependent claims, claims 27 and 28.

1        III.    CONCLUSION

2                For all of the above reasons, the Applicant respectfully requests reconsideration of claims  
3        26-28 and allowance of those claims along with the previously allowed claims, claims 1-8 and  
4        17-25. If the Examiner should feel that any issue remains as to the allowability of these claims,  
5        or that a further telephone conference might expedite allowance of the claims, the Examiner is  
6        asked to telephone the Applicant's attorney at the number listed below.

7                                Respectfully submitted,  
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9                                The Culbertson Group, P.C.  
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14        Dated: 22 May 2008

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